

**UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MASSACHUSETTS**

<b>HOWARD KAPLAN,</b>	)	
<b>Plaintiff,</b>	)	
	)	
	)	
<b>v.</b>	)	<b>CIVIL ACTION NO. 104-CV-10856-MEL</b>
	)	
<b>WEND MANAGEMENT, INC.,</b>	)	
<b>WENDY'S INTERNATIONAL, INC.)</b>	)	
	)	
<b>Defendants.</b>	)	
	)	

**PLAINTIFF'S ASSENTED-TO MOTION TO EXTEND DISCOVERY**

The parties respectfully move the Court to extend the current discovery deadline by 90 days. As reasons for this Motion, the parties state that they are currently engaged efforts to settle this matter and they appear to be close to a settlement. Because the continued accrual of attorney's fees will impede settlement, the parties seek to continue discovery by ninety (90) days. In the event that settlement negotiations fail, the parties must take depositions, resolve discovery disputes, and issue follow up document discovery. Currently, discovery is set to close on June 15, 2006. The parties propose that discovery close on September 6, 2006.

Respectfully submitted,  
HOWARD KAPLAN,  
By his attorneys,

s/Rebecca G. Pontikes  
Rebecca G. Pontikes BBO# 637157  
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(617) 367-7200

Dated: June 15, 2006

WEND MANAGEMENT, INC.,  
WENDY'S INTERNATIONAL, INC.,  
By their attorneys,

s/John J. Ryan

John J. Ryan, Esq. BBO# 435620  
Mathew P. Barry, Esq. BBO#657559  
Ryan, Coughlin & Betke, LLP  
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Date: June 15, 2006

**CERTIFICATE OF SERVICE**

I hereby certify that on June 15, 2006, I caused a copy of this document to be served by electronic filing on John Ryan, Ryan, Coughlin & Betke, LLP, 175 Federal Street, Boston MA 02110.

s/Rebecca G. Pontikes